

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTIAN L. STRUBLE

Application No. 09/894,213

MAILED

OCT 20 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 8, 2004, the appellant has filed an amendment in response to the final Office action mailed September 21, 2004. A review of the file reveals that pages 3-6 of the Claims section are missing from the amendment. The pages must be scanned in Image File Wrapper (IFW) before further prosecution of this application.

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Also, the examiner's answer mailed on May 5, 2005 is not in compliance with the requirements of 37 CFR § 41.37. The following headings need to be corrected in order to be consistent with the appeal brief filed February 10, 2005:

Summary of the Claimed Subject Matter - replacing the Issues section in paragraph (6).

Evidence Relied Upon - replacing the prior art of record section in paragraph (9).

Grounds of rejections to be Reviewed - replacing the Grouping of Claims and Grounds of Rejection sections in paragraphs (7) and (10).

Arguments - replacing the Response to Argument section in paragraph (11) and should contain separate arguments for each claim that is under a subheading in the appeal brief.

Acknowledgment of the Related Proceedings and Evidence appendices, if applicable.

A substitute examiner's answer that is in compliance with 37 CFR § 41.37 is required.

Accordingly, it is

ORDERED that this application be returned to the examiner: 1) for entry of pages 3-6 of the amendment (Claims section) filed November 8, 2004; 2) to file a revised examiner's

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answer in response to the appeal brief and in accordance with the new rules effective September 13, 2004; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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